

Appl. No. 09/919,396
Amdt. Dated March 16, 2006
Reply to Office Action of October 17, 2005

Docket No. TC00113
Customer No. 22917

REMARKS/ARGUMENTS

Claims 1, 4-21, and 24-36 are pending.

I. Amendments to the Claims:

In responding to the Examiner's prior art rejections, the Applicants here only justify the patentability of the pending independent claims, i.e., claims 1, 12, 21, and 32. As the Examiner will appreciate, should these independent claims be patentable over the prior art, narrower dependent claims would also necessarily be patentable. Accordingly, the Applicants do not separately discuss the patentability of the dependent claims, although it reserves the right to do so at a later time if necessary.

All of independent claims 1, 12, 21, and 32 have been rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent 6,801,942 ("Dietrich") in view of a publication entitled "Opening Bluetooth for Technical Tasks-Possibilities and Challenges for Automotive Applications" ("CAN-Bluetooth").

All of the Applicants' claims are directed to a method of dynamically configuring access to "services" between a wireless "remote communications node" (RCN) and at least one wireless "remote communications device" (RCD). As disclosed in the Applicants' specification, for example, the RCN can comprise a vehicular telematics unit, while the RCD can comprise a cellular telephone.

The Examiner has again cited Dietrich against the Applicants' claims, and relies heavily on Figure 1 of Dietrich to show the various elements of the Applicants' claims. The Examiner believes Dietrich's "CAN/TCP gateway 133" to comprise the Applicants' claimed "remote communication node." Thus, the Examiner opines that gateway 133 can comprise the primary gateway or secondary gateway under certain circumstances as claimed by the Applicants. The Examiner is less clear as to what comprises the claimed "remote communication device." However, because the claims specify that the RCD (like the RCN) can comprise either the primary or secondary gateway under certain circumstances, it can be inferred that the Examiner believes the RCD to comprise Dietrich's "CAN/CAN gateway 170."

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In short, the examiner contends that gateway 133/gateway 170 comprise the primary/secondary gateways of the claims, and that the CAN nodes 110, 120, 160, 180, 190 comprise the service to be accessed.

But assuming that gateways 133/170 comprise the claimed gateways, it is clear that Dietrich does not disclose certain limitations of the Applicants' claims.

For example, claims 1 and 21 have been amended to recite to add the limitation that dynamically configuring [the remote communication node and device] comprises selectively either configuring the remote communication node as the primary gateway wirelessly coupled to the services while configuring the remote communications device as the secondary gateway wirelessly coupled to the remote communication node, or configuring the remote communication device as the primary gateway wirelessly coupled to the services while configuring the remote communications node as the secondary gateway wirelessly coupled to the remote communication device.

Thus, the Applicants clarify that the primary gateway is coupled to the services, while the secondary gateway is coupled to the primary gateway, and further that the primary and secondary gateways can be dynamically switched if optimal for service access.

This is not a property of the gateways 133 and 170 in Dietrich. The orientation of the gateways 133, 170 are fixed with respect to the services (i.e., the CAN nodes). For example, when accessing CAN nodes 180 or 190, it would always be the case that gateway 170 comprised the primary gateway, with gateway 133 as the secondary gateway. When accessing CAN nodes 110, 120, or 160, gateway 133 would constitute the primary gateway (and in fact, gateway 170 would in fact be out of the circuit, i.e., would not constitute a secondary gateway at all). In any event, never can the situation arise in Dietrich in which gateway 133 constitutes the primary gateway with gateway 170 as the secondary at one time, and with gateway 170 as the primary and gateway 133 as the secondary at another time. Dietrich simply does not disclose this limitation from claims 1 and 21. Of course, neither does the CAN-Bluetooth reference, which is essentially only relied upon to show the use of wireless technology.

Because neither Dietrich nor CAN Bluetooth disclose or suggest this limitation from claims 1 and 21, these references even when taken together do not disclose all of the claims limitations, and hence cannot render these claims obvious. See MPEP 2143.03.

The same argument is relevant to claim 12. Claim 12 recites that the

wireless remote communications node reconfigures between functioning as the primary wireless gateway and the secondary wireless gateway and the wireless remote communications device reconfigures between functioning as the primary wireless gateway and the secondary wireless gateway and vice versa.

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This limitation also includes the notion that the two gateway can be switched to function as either primary or secondary gateways, but as just noted, this does not occur in Dietrich vis-à-vis his gateways 133 and 170. Therefore, claim 12 is not obvious for the same reasons outlined above.

As for independent claim 32, that claim also recites a limitation that is not disclosed or suggested in Dietrich (or in CAN-Bluetooth for that matter). Specifically, claim 32 recites "negotiating for services between the wireless remote communications node and one or more of the plurality of wireless remote communications devices," and then based on the negotiation, dynamically configuring the wireless remote communications node and one or more of the wireless remote communications devices to optimally access services in a serial configuration.

As noted above, the Examiner has opined that the claimed "remote communication node" (RCN) comprises Dietrich's gateway 133, while the claimed "remote communication device" (RCD) comprises Dietrich's gateway 170. Thus, for Dietrich to meet the above limitation of claim 32, these two gateways would need to negotiate to provide the services for optimal access.

But gateways 133 and 170 do not negotiate to select one or the other to provide the service. The Examiner cites to claim 32 of Dietrich as disclosing this limitation. See Office Action, pg. 4. But all claim 32 states is that a reply message includes a "first byte including the CAN node arrangement identifier code." In no way does this disclose or suggest any sort of negotiation between Dietrich's gateways 133 and 170. Again, there would be no point for the gateways 133 and 170 in Dietrich to negotiate in the manner claimed by the Applicants because their fixed nature provides no flexibility to dynamically structure their functions vis-à-vis one another. If the Examiner continues to maintain the rejection of claim 32, he will have to better explain how this limitation is met by Dietrich. Claim 32 is not a sufficient basis for doing so, and the Applicants can find nothing else in Dietrich to show any sort of negotiating between gateways 133 and 170.

Again, because neither Dietrich nor CAN-Bluetooth disclose or suggest this limitation of claim 32, claim 32 cannot be rendered obvious by these references. See MPEP 2143.03.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless the Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

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The Applicants believe that the subject application is in condition for allowance. Such action is earnestly solicited by the Applicants.

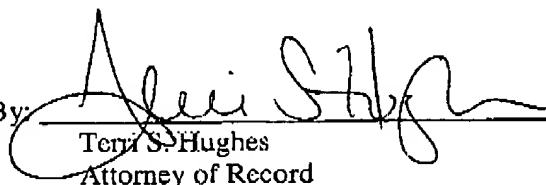
In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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Attachments